



**United States
Department of
Agriculture**

Food and
Nutrition
Service

3101 Park
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Alexandria, VA
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DATE: December 11, 2006

MEMO CODE: TA-03-2007

SUBJECT: Exemptions Under the Competitive Foods Regulation

TO: Regional Directors
Special Nutrition Programs
All Regions

This is to inform you of recent changes to the list of exemptions under the Competitive Foods Regulation. Eighteen new products have been added to the list of exemptions under the Competitive Foods Regulation and one company and its products have been removed.

Products Added

Brookside Fruit Company Inc., has added X-Treme Fruit TM Bites - Charg-n Cherry, Citrus Cyclone, and Chili Lime Fusion to the list of products exempted from the jellies and gums category of "foods of minimal nutritional value" as defined in 7CFR Part 210.11(a)(2) and Part 220.2 (i-1).

Izze Beverage Company has added Sparkling Apple; Red Toe Sodas LLC, has added Orange Soda, Cherry Soda, and Lemon-Lime; Ardea Beverage Company has added Airforce Nutrisoda Calm, Focus, Slender, Radiant, and Renew; and Dr. Parsons Dairy LLC has added eMoo Berry, Bubblegum, Chocolate, Orange Sparkle, RPM Cappuccino, and RPM Chocolate, to the list of products exempted from the "soda water" category of "foods of minimal nutritional value" [7 CFR Part 210 Appendix B (a)(1) and Part 220 Appendix B (1)].

The exemption of the products listed above means that they are no longer considered foods of minimal nutritional value and can therefore be sold during the meal period in a school food service area. This does not mean that these products are approved or endorsed by the Food and Nutrition Service. Nor does an exemption indicate that these products have significant nutritional value. In addition, the exemptions should not be perceived as guidance or encouragement to State agencies and school food authorities concerning their possible purchase.

Products Removed

North Face Beverages and its previously exempted products, Splash Thirst Quencher Cherry, Lemon Lime, Grapefruit, Mountainberry, Orange, and Strawberry-Kiwi have

been removed from the list of products exempted from the "soda water" category of "foods of minimal nutritional value" [7 CFR Part 210 Appendix B (a)(1) and Part 220 Appendix B (1)].

As always, please be aware that several companies with exempted foods produce similar products that are not exempted and are therefore still considered foods of minimal nutritional value. The exemption of one product does not mean that similar products or a family of products are exempted unless specifically stated in an exemption letter and included on the exemption list.

The ingredient statement of each exempted food is included in the enclosed exemption list. This should allow schools to differentiate between exempted products and similar non-exempted products.

If there are any questions on the exemption list or the new additions made to the list, please contact my staff at (703) 305-2609.

Original Signed

STANLEY C. GARNETT
Director
Child Nutrition Division

Attachment